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| APPLICATION NO.                                   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/715,855  | 11/19/2003  | Francois Kubica      | 245493US41X CONT    | 5604             |
| 22850   | 7590        | 05/17/2006           | EXAMINER            |                  |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. |             |                      |                     | NGUYEN, THU V    |
| 1940 DUKE STREET                                  |             |                      |                     | ART UNIT         |
| ALEXANDRIA, VA 22314                              |             |                      |                     | PAPER NUMBER     |
|   |             |                      |                     | 3661             |

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/715,855             | KUBICA, FRANCOIS    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Thu Nguyen             | 3661                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 February 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10 and 12-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10, 12-29 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. 09/863,894.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

The amendment filed on February 23, 2006 has been entered. By this amendment, claims 11 and 30 have been cancelled, claims 1-10, 12-29 are now pending in the application.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10, 12-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell et al (US 4,463,605) in view of Pages (US 5,774,818).

As per claim 1-2, 6, McDowell teaches a system for operating an aircraft, the system comprising: a navigation computer 14 (fig.2) and a flight control computer 16 (fig.2). The output of the navigation computer output automatic pilot instructions (col.6, lines 21-24). The Flight control computer comprises: a first input 50 (fig.2) (col.6, lines 30-31), a second input to receive automatic pilot instructions (col.6, lines 34-35), a command generator for generating operating commands based on the automatic pilot instructions in automatic mode (col.6, lines 39-45); a dedicated communication link 52 (fig.2) transmits the automatic pilot instructions from the navigation computer 14 (fig.2) to the flight control computer 16 (fig.2). McDowell does not explicitly disclose that the navigation computer comprises the first and second input, and

includes heading, vertical speed and altitude to the first input. However, inputting guidance parameters representing the flight path such as heading, vertical and altitude would have been well known. Moreover, Pages teaches a known automatic pilot including first input (from device 12-13 fig.4) and a second input 15 (fig.4) (col.5, lines 43-55). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the first and the second input taught by pages to the automatic navigation computer 14 (fig.2) of McDowell in order to facilitate supplying data to the automatic pilot system for the automatic pilot system to calculate the control parameters according to the input guidance instructions and environmental parameters.

As per claim 3, McDowell teaches a third input 45 (fig.2) for receiving other parameters. Moreover, using the input for receiving other parameters as necessary for determining control instruction would have been both well known and obvious matter of design choice.

As per claim 4-5, since McDowell teaches generating first (automatic command) and second (manual) command (col.6, lines 30-44) based on a single control function from the CSEU 16 (fig.2) McDowell abviously encompasses embedding a single control function in the flight control computer 16 (fig2).

As per claim 7-10, corresponding the automatic pilot instruction with the control instructions concerning vertical load factor, roll rate and commanded yaw would have been well known for system that allows control from both manual input and automatic pilot instructions.

As per claim 12-29, refer to claims 1-10 above.

***Response to Arguments***

3. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 1, 2006

  
THUV.NGUYEN  
PRIMARY EXAMINER